

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*
Case No. 1:18-op-45004

**MDL No. 2804
Case No. 17-md-2804
Hon. Judge Dan A. Polster**

**CERTAIN DEFENDANTS’
OBJECTIONS TO PLAINTIFFS’ DEPOSITION DESIGNATIONS**

Pursuant to the Civil Jury Trial Order, ECF No. 1598, entered in In re National Prescription Opiate Litigation (MDL 2804) on May 1, 2019 (as amended in Judge Polster’s July 29, 2019 order), Certain Defendants¹ submit the following Objections to Plaintiffs’ Affirmative Deposition Designations and Plaintiffs’ Counter Deposition Designations.

Defendants hereby serve Objections to the following deposition designations affirmatively designated by Plaintiffs (*see* Exhibit A):

¹ The Defendants are Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida, AmerisourceBergen Corporation, AmerisourceBergen Drug Corp., Cardinal Health, Inc., McKesson Corporation, Walgreen Co., Walgreen Eastern Co., Henry Schein Medical Systems, Inc., and Henry Schein, Inc.

1. Mary Applegate
2. Stacy Harper-Avilla
3. Patrick Kelly
4. Thomas Prevoznik
5. Joseph Rannazzisi
6. Joel Saper

Because Plaintiffs have withdrawn all deposition designations to certain witnesses for whom they previously offered affirmative designations (Demetra Ashley, Michael Mapes, Donald Wharton, and Kyle Wright), Defendants are not filing objections to those affirmative designations. Defendants, however reserve the right to object to any attempt by Plaintiffs to play affirmatively any portion of these witnesses' video depositions at trial and reserve the right to counter-designate testimony for these witnesses. Defendants file these objections based on Plaintiffs' current deposition designations as of October 2, recognizing that Plaintiffs continue to reduce their witness list and will file a further-reduced list on October 4. By filing objections today, Defendants do not concede the propriety of or waive any objection to any attempt by Plaintiffs to play deposition testimony from witnesses that do not appear on Plaintiffs' final witness list.

Defendants further hereby serve Objections to the following deposition designations counter-designated by Plaintiffs in response to Defendants' affirmative designations of the witnesses' depositions (*see* Exhibit B):

1. Stacy Harper-Avilla
2. Michael Mapes
3. Keith Martin

4. Thomas Prevoznik
5. Joseph Rannazzisi
6. John Saros
7. Matthew Strait

Defendants further reserve all rights, including all rights to revise or withdraw Objections. Defendants further reserve the right to revise or withdraw these Objections based on the Court's rulings, Plaintiffs' and other individual Defendants' designations of deposition testimony, and evidence introduced at trial. Consistent with prior representation by Plaintiffs' counsel that "objections and colloquy will not be proffered" by Plaintiffs, Defendants have not objected on a line-by-line basis to objections and colloquy; instead, Defendants object to all objections and colloquy as a global matter.

Defendants' objections are made pursuant to the following Objections Key:

Code	Objection
402	Relevance. FRE 402.
403	Undue Prejudice, Confusion, Waste of Time. FRE 403.
408	Inadmissible Evidence of Settlement or Negotiations. FRE 408.
602	Lack of Foundation/Speculation. FRE 602.
802	Hearsay. FRE 802.
AA	Asked and Answered. FRE 611(a).
AF	Assumes Facts Not in Evidence. FRE 103(d), 611(a).
ARG	Argumentative. FRE 611(a).
AU	Authentication Lacking. FRE 901.
BER	Best Evidence Rule. FRE 1002.
CML	Cumulative. FRE 403, 611(a).
CMP	Compound Question. FRE 611(a).
CO	Contrary to Court Order.
COL	Improper Attorney Colloquy. FRE 103(d), 603.
DEM	Demonstrative Not Marked as Exhibit. FRE 103(d), 611(a).
HYP	Improper Hypothetical. FRE 602, 701.
ILO	Improper Opinion of Lay Witness. FRE 701.
INC	Designation Incomplete; Incomprehensible.
LC	Calls for Legal Conclusion. FRE 103(d), 602, 701.
LDG	Leading. FRE 611(c).
MD	Misstates the Document. FRE 103(d), 611(a).
MPT	Misstates Prior Testimony. FRE 103(d), 611(a).
NAR	Calls for Narrative Response. FRE 103(d), 611(a).
NR	Nonresponsive. FRE 611(a).
PV	Privileged. FRE 103(d), 501, 502.
SCP	Outside the Scope of Designated Topics. FRE 602, 611(a)-(b); FRCP 30(b)(6).
SUM	Improper Summary. FRE 1006.

Dated: October 2, 2019

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart
Geoffrey E. Hobart